

रजिस्टर्ड नं० ल०-33/एम० एन० 14.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मंगलवार, 6 फरवरी, 1990/17 माघ, 1911

हिमाचल प्रदेश सरकार

विधि विभाग

अधिसूचना

शिमला-2, 6 फरवरी, 1990

क्रमांक एल०एल०आर० (डी) (6) 13/89-लैजिस्लेशन.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 201 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए तारीख 7 सितम्बर, 1989 को राष्ट्रपति महोदय द्वारा अनुमोदित हिमाचल प्रदेश मत्स्य क्षेत्र (संशोधन) विधेयक, 1989 (1989 का विधेयक संख्यांक 12)

जोकि वर्ष 1989 को हिमाचल प्रदेश अधिनियम संख्यांक 17 के रूप में राजपत्र, हिमाचल प्रदेश के 11 सितम्बर, 1989 के असाधारण अंक में प्रकाशित किया जा चुका है, के संविधान के अनुच्छेद 348(3) के अधीन प्राधिकृत पाठ की जनसाधारण की सूचना हेतु राजपत्र, हिमाचल प्रदेश में प्रकाशित करते हैं ।

आदेश द्वारा,
राजकुमार महाजन,
सचिव (विधि) ।

AUTHORITATIVE ENGLISH TEXT

Act No. 17 of 1989.

THE HIMACHAL PRADESH FISHERIES (AMENDMENT) ACT, 1989

(AS ASSENTED TO BY THE PRESIDENT ON 7TH SEPTEMBER, 1989)

AN

ACT

to amend the Himachal Pradesh Fisheries Act, 1976 (Act No. 16 of 1976).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Fisheries (Amendment) Act, 1989.

Short title and commencement.

(2) It shall be deemed to have come into force with effect from the 6th day of July, 1989.

16 of 1976.

2. In section 6 of the Himachal Pradesh Fisheries Act, 1976 (hereinafter called the principal Act),—

Amendment of section 6.

- (a) in sub-section (1) for the words “one year or with fine which may extend to one thousand”, the words “three years or with fine which may extend to five thousand” shall be substituted ;
- (b) in sub-section (2) for the words “two thousand”, the words “five thousand” shall be substituted ; and
- (c) sub-section (3) shall be omitted.

3. In section 7 of the principal Act,—

Amendment of section 7,

- (a) after the words and sign “poison,” but before the word “lime”, the words and sign “bleaching powder,” shall be inserted ; and
- (b) for the words “two years, or with fine which may extend to one thousand”, the words “three years, or with fine which may extend to five thousand” shall be substituted.

4. After section 7 of the principal Act, the following new sections 7A, 7B and 7C shall be inserted, namely:—

Insertion of sections 7A, 7B and 7C.

“7 A. *Punishment for the possession of dynamite and other explosive substance to be used for killing the fish.*—If a person is found to be in possession of a dynamite or any other explosive substance for the purpose of killing the fish near or in the vicinity or on the bank of a river, rivulet, khad, pond, lake, reservoir which are inhabited by the fishes, shall, unless he explains satisfactorily that his possession or control over such a dynamite or the explosive substance was for a lawful object, be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both.

7 B. *Punishment for killing or catching fish during prohibited season.*—Notwithstanding anything to the contrary contained in section 5 of this Act, if a person kills or catches fish with a net during the season,

in which killing or catching of fish is prohibited under any rule framed under clause (1) of sub-section (3) of section 3, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to three thousand rupees or with both.

7C. *Offences to be cognizable and non-bailable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under sections 6, 7, 7A and 7B of this Act shall be cognizable and non-bailable offences.”

2 of 1974.

Substitution
of Schedule.

5. For the existing Schedule to the principal Act, the following Schedule shall be substituted, namely:—

“THE SCHEDULE

(See Section 10)

MAXIMUM AMOUNT ACCEPTABLE AS COMPENSATION FOR CERTAIN FISHING OFFENCES UNDER SECTION 10

Description	Maximum amount acceptable as compensation
1	2
1. Fishing with a net having a smaller mesh than that prescribed under the rules made under the Act.	Rupees five hundred.
2. Fishing without a licence	Rupees three hundred.
3. Killing or catching or selling or attempt to kill, catch or sell fish of a size or weight less than the standard prescribed under this Act.	Rupees three hundred.
4. Killing or catching or selling or attempt to kill, catch or sell any fish of a prohibited species during a close season.	Rupees three hundred.
5. Fishing or attempting to fish with any gear or method other than permitted under the rules.	Rupees three hundred.
6. Using at any one time more than two of either or any of the gears permitted under the rules.	Rupees three hundred.
7. Licence holders employing or engaging non-licensees to help them with their nets, while fishing.	Rupees three hundred.
8. Fishing or attempting to fish in prohibited water.	Rupees three hundred.

1	2
9. Offering of exposing for sale or barter any fish, the sale of which is prohibited in any specified area by a notification issued under section 4 of the Act.	Rupees three hundred.
10. Exporting or attempting to export fish in contravention of any rule made under sub-section (3) of section 3 of the Act.	Rupees one thousand.
11. Selling or attempting to sell fish for price above the specified market value.	Rupees four hundred.
12. Possessing fishing craft and tackles unauthorisingly in contravention of clause (k) of sub-section (3) of section 3 of the Act.	Rupees four hundred.
13. Transporting or attempting to transport fish or fish products within specified limits in contravention of clause (1) of sub-section (3) of section 3 of the Act.	Rupees four hundred".

6. (1) The Himachal Pradesh Fisheries (Amendment) Ordinance, 1989, is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have done or taken under the corresponding provisions of this Act, as if, this Act had come into force on the 6th day of July, 1989.

